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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,871	08/01/2006	Wolfgang Klapp	P28959	1391

7055 7590 03/10/2008
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
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1791

NOTIFICATION DATE	DELIVERY MODE
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03/10/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary	Application No. 10/561,871	Applicant(s) KLAPP, WOLFGANG	
	Examiner Justin R. Fischer	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☒ Claim(s) 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2207</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagatsu (JP 11-301208). As best depicted in Figure 1, Nagatsu is directed to a bicycle tire construction comprising a tubular casing 1, a rubber tread 3, an air sealing element or tube 4, and a webbing 2 formed of fiber materials, such as cotton, silk, nylon, polyester, and aramid (Paragraph 18). It is well recognized that each of these materials has some degree of “hot water shrinkage” and thus have the capability of contracting upon being dampened. It is emphasized that the claims as currently drafted are directed to a bicycle tire construction, as opposed to a method of forming such a tire (dampening and contraction are not positively required).

Regarding claims 7-9, the webbing 2 of Nagatsu is expressly depicted as being form of warp and weft threads/fibers (Figure 2). It is further noted that the claim does not requires the threads/fibers oriented in the circumferential direction to be different from those oriented in the axial direction.

As to claim 11, Nagatsu teaches the use of a vulcanizable coating or adhesive (Paragraphs 16 and 20).

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3. Claims 6, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Biancoli (GB 2181700). As best depicted in Figure 1, Biancoli is directed to a bicycle tire comprising a tubular casing 2, an air tube 3, a tread 6, and a webbing or protective strip 5. The reference further teaches that the protective strip can be formed of a non-woven or woven fabric (Page 2, Lines 105+). It is well recognized that the fiber materials forming the non-woven or woven fabric would have some degree of "hot water shrinkage" and thus have the capability of contracting upon being dampened. It is emphasized that the claims as currently drafted are directed to a bicycle tire construction and a method of forming such a construction in which dampening and contraction are not positively required.

Regarding claim 11, Biancoli discloses the use of an adhesive (Page 1, Lines 112-117 and Page 2, Lines 115-120).

As to claim 12, Biancoli teaches that the edges of the casing/tubing are folded over to form hems, which are sewn together (Page 3, Lines 30-35)- such a construction is seen to define a seam.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-9, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biancoli and further in view of Nagatsu. As detailed above, Biancoli

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generally suggests the use of woven or non-woven structures to form the protective strip 5 or webbing. While the reference fails to expressly disclose the arrangement and material of the threads/fibers, the claimed arrangements and materials are consistent with those commonly used in similar fibrous structures used in the tire industry, as shown for example by Nagatsu. It is emphasized that the claims as currently drafted do not require different materials for the threads/fibers in the circumferential direction and the axial direction. Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to form the woven structure in accordance to the claimed invention (material and arrangement).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biancoli and further in view of Ikimine (US 5,717,026). While Biancoli fails to expressly disclose the use of PVA fibers, such fibers represent a well known and conventional material that is extensively used in the tire industry. More particularly, PVA fibers are recognized as having improved mechanical properties as compared to additional fiber materials, such as nylon and polyester, as shown for example by Ikimine (Column 1, Lines 15-20). As such, one of ordinary skill in the art at the time of the invention would have found it obvious to use PVA fibers in the manufacture of the webbing of Nagatsu. A fair reading of reading of Biancoli suggests the general use of any known fiber material that is commonly used in the tire industry- based on such a disclosure and the recognized benefits of PVA, the proposed modification would have been well within the purview of one of ordinary skill in the art at the time of the invention.

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7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagatsu and further in view of Ikimine. Nagatsu substantially teaches the claimed bicycle tire construction, including a webbing formed of fibrous threads/fibers. In describing the webbing materials, Nagatsu suggests the use of a wide variety of high strength, synthetic fiber materials, including nylon and polyester. While the reference fails to expressly disclose the use of PVA fibers, such fibers represent a well known and conventional material that is extensively used in the tire industry. More particularly, PVA fibers are recognized as having improved mechanical properties as compared to additional fiber materials, such as nylon and polyester, as shown for example by Ikimine (Column 1, Lines 15-20). As such, one of ordinary skill in the art at the time of the invention would have found it obvious to use PVA fibers in the manufacture of the webbing of Nagatsu. A fair reading of reading of Nagatsu suggests the general use of any known high strength fiber material that is commonly used in the tire industry- based on such a disclosure and the recognized benefits of PVA, the proposed modification would have been well within the purview of one of ordinary skill in the art at the time of the invention.

Allowable Subject Matter

8. Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Justin Fischer
/Justin R Fischer/
Primary Examiner, Art Unit 1791